



**North Carolina Department of Health and Human Services
Division of Aging and Adult Services**

2101 Mail Service Center • Raleigh, North Carolina 27699-2101
Tel 919 733-3983 • Fax No. 919 733-0443

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

Dennis W. Streets
Director

ADMINISTRATIVE LETTER NO. 07-1

To: LRO Directors
Area Agency on Aging Directors
Regional Long Term Care Ombudsmen

Subject: NC Office of the Attorney General
Informal Opinion - LTC Ombudsman Program Issues

Date: February 6, 2007

This administrative letter is being issued in response to questions raised by Area Agency on Aging Directors vis-à-vis the State Long Term Care Ombudsman Program. Since many of the issues required legal interpretation of language in the Older Americans Act and G.S. 143B-181.15-.25 for the Long Term Care Ombudsman Program, the Division requested our Legal Counsel in the NC Office of the Attorney General to review them and respond. A copy of the informal opinion issued is attached.

One of the critical issues raised was whether each regional ombudsman employed by an Area Agency on Aging must be certified and perform all the duties mandated by federal and state law when there is more than one ombudsman. This question is addressed in item # 2 of the opinion. Even though each regional ombudsman must be certified by the State Long Term Care Ombudsman and carry out all mandated responsibilities, the Area Agency on Aging has the flexibility to determine how the job functions are assigned when there is more than one ombudsman. For example, one ombudsman may be responsible for performing all of the Ombudsman Program functions in one county in the region, but also help conduct training for community advisory committees in all counties within the region because s/he has excellent training skills. The Division supports and encourages this flexibility in order for the Area Agency on Aging to best utilize staff skills and experience. The Division, though, encourages the AAA Director to discuss any proposed significant changes in programmatic assignments with the State Long Term Care Ombudsman to ensure compliance with program requirements.

We appreciate our strong working relationship with Area Agencies on Aging. We will continue to work together on efforts to pursue new, innovative ways to further strengthen the Long Term Care Ombudsman Program.

I believe the answers to the other questions addressed in the opinion are clear; however, please contact Sharon Wilder or Debbie Brantley should you have any questions and/or need further clarification.

Sincerely,

A handwritten signature in black ink that reads "Dennis W. Streets". The signature is written in a cursive style with a large, stylized "D" and "S".

Dennis W. Streets

Cc: Debbie S. Brantley
Sharon Wilder
DAAS

Attachment